

REMARKS

Claims 21-51 were presented for examination and were pending in this application. In a final Office Action dated July 27, 2004, claims 21-51 were rejected. Claims 21, 31, 32, 39, 43, 46, and 49 are amended herein merely to more distinctively claim inherent aspects of the claimed invention. No new matter is added by this amendment.

Summary of Interview

The Examiner is thanked for the helpful telephone interview on November 8 and 10, 2004. Claims 21-51 were discussed during the interview together with the cited references, i.e., U.S. Patent No. 5,291,543 ("Freese"), U.S. Patent No. 5,867,661 ("Bittinger"), U.S. Patent No. 5,893,077 ("Griffin"), and U.S. Patent No. 5,727,002 ("Miller").

The Examiner agreed that none of the cited references disclose or even suggest a settlement server that receives from the local Internet service provider over the Internet, accounting records of a user's Internet connection service usage of a network of the local Internet service provider, where the local Internet service provider is operated independently from the home Internet service provider of the user and the user does not have an account with the local Internet service provider but has an account with the home Internet service provider and connecting to the Internet via the local Internet service provider. The Examiner agreed that all pending claims 21-51 would be patentably distinct from Freese, Bittinger, Griffin, and Miller, if the independent claims 21, 31, 32, 39, 43, 46, and 49 are amended to clarify that (i) it is the settlement server that receives, from the local Internet service provider over the Internet, accounting records of a user's Internet connection service

usage of a network of the local Internet service provider, and that (ii) the settlement server is capable of communicating over the Internet with the local Internet Service Provider and the home Internet service provider.

The Examiner indicated that a request for continued examination (RCE) would have to be made in order for the amendments to the claims to be entered and that the Examiner might conduct an additional search based upon the amended claims.

Rejection of Claims 21-42 under 35 U.S.C. §103(a)

Claims 21-42 were rejected as being obvious over Freese in view of Bittinger and Griffin. This rejection is respectfully traversed.

Independent claims 21, 31, 32, and 39 variously recite that the settlement server receives from the local Internet service provider over the Internet, accounting records of a user's Internet connection service usage of a network of the local Internet service provider, where the local Internet service provider is operated independently from the home Internet service provider of the user and the user does not have an account with the local Internet service provider but has an account with the home Internet service provider and connects to the Internet via the local Internet service provider.

As the Examiner agreed in the interview, Freese does not disclose or even suggest a settlement server receiving the accounting records of a user's Internet connection service usage from the local Internet service provider over the Internet. This inherently requires use of the above Internet protocols, among others. Rather, Freese merely discloses receiving, at the message module processor, raw call data via a synchronous serial Data Acquisition System Port (DAS) of a cellular switch. *See Freese, at col. 4, lines 54-54.* Freese explains that the DAS port is a serial x.25 communication link, *see id.*, which means that the cellular

switch and the message module processor are adjacent to each other and physically connected to each other via a serial communication link. Nowhere does Freese disclose or even suggest that the message module receives the call data from the cellular switch over the Internet.

Bittinger was relied on by the Examiner as merely disclosing that a user can access the Internet using a cellular communication system but, as the Examiner agrees, does not disclose or suggest a settlement server receiving the accounting records of a user's Internet connection service usage from the local Internet service provider over the Internet.

Griffin was relied on by the Examiner as merely disclosing filtering accounting records by removing erroneous data from raw accounting records but, as the Examiner agrees, does not disclose or suggest a settlement server receiving the accounting records of a user's Internet connection service usage from the local Internet service provider over the Internet.

Therefore, the deficient disclosures of Freese, Bittinger, and Griffin thus fail to establish even a *prima facie* basis from which a proper determination of obviousness can be made. It is respectfully submitted that independent claims 21, 31, 32, and 39 are patentably distinct over Freese, Bittinger, and Griffin.

Claims 22-30, 33-35, 36-38, and 40-42 depend from claims 21, 31, 32, and 39, respectively, and are also patentably distinct over Freese, Bittinger, and Griffin for at least the same reasons as described above.

Rejection of Claims 43, 46, and 49 under 35 U.S.C. §103(a)

Claims 43, 46, and 49 were rejected as being obvious over Freese in view of Bittinger. This rejection is respectfully traversed.

Independent claims 43, 46, and 49 variously recite that the settlement server receives from the local Internet service provider over the Internet, accounting records of a user's Internet connection service usage of a network of the local Internet service provider, where the local Internet service provider is operated independently from the home Internet service provider of the user and the user does not have an account with the local Internet service provider but has an account with the home Internet service provider and connects to the Internet via the local Internet service provider.

As the Examiner agreed and as explained above, Freese or Bittinger does not disclose or even suggest a settlement server receiving the accounting records of a user's Internet connection service usage from the local Internet service provider over the Internet.

The deficient disclosures of Freese and Bittinger thus fail to establish even a *prima facie* basis from which a proper determination of obviousness can be made. It is respectfully submitted that independent claims 43, 46, and 49 are patentably distinct over Freese and Bittinger.

Rejection of Claims 43, 46, and 49 under 35 U.S.C. §103(a)

Claims 44, 45, 47, 48, 50, and 51 were rejected as being obvious over Freese in view of Bittinger and Miller. This rejection is respectfully traversed.

Claims 44, 45, 47, 48, 50, and 51 depend from claims 43, 46, and 49, respectively. As the Examiner agreed and as explained above, Freese or Bittinger does not disclose or even suggest a settlement server receiving the accounting records of a user's Internet connection service usage from the local Internet service provider over the Internet as claimed in the base claims 43, 46, and 49. Furthermore, Miller was relied on by the Examiner merely as disclosing transmitting data over the Internet using User Datagram Protocol (UDP) or File

Transfer Protocol (FTP), and does not disclose or even suggest a settlement server receiving the accounting records of a user's Internet connection service usage from the local Internet service provider over the Internet.

The deficient disclosures of Freese, Bittinger, and Miller thus fail to establish even a *prima facie* basis from which a proper determination of obviousness can be made. It is respectfully submitted that claims 44, 45, 47, 48, 50, and 51 are patentably distinct over Freese, Bittinger, and Miller.

In conclusion, it is respectfully submitted that all pending claims 21-51 are in condition for allowance. Favorable action is solicited.

Respectfully Submitted,

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